

Application No. 10/074,162  
Amendment dated May 20, 2004  
Reply to Office Action dated February 23, 2004

Remarks/Arguments

The preceding amendments and following remarks are submitted in response to the Official Action of the Examiner mailed February 23, 2004. Claims 1-7, 9-21, 23-24 and 26-35 remain pending, with claims 27-35 newly presented. Claim 25 has been canceled without prejudice as being drawing to a non-elected invention. Reconsideration, examination and allowance of all pending claims are respectfully requested.

In paragraph 8 of the Office Action, the Examiner indicated that claims 13-15 and 16 are allowed. In paragraph 9 of the Office Action, the Examiner indicated that claims 7 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In paragraph 5 of the Office Action, the Examiner rejected claims 1-4, 6, 8-11, 16-19, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over Zou et al. (U.S. Patent No. 6,186,649) in view of Sugiyama et al. (U.S. Patent No. 6,278,827). After carefully reviewing the Examiner's remarks, Applicant must respectfully disagree.

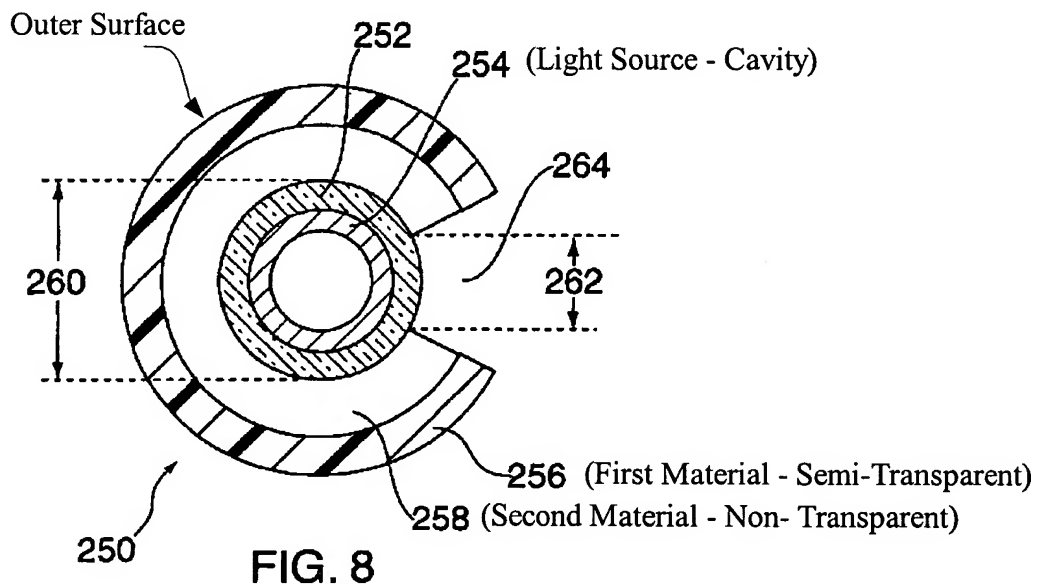
With regard to claims 1, 9-11 and 13-16, the Examiner states that Zou et al. suggest a lighting apparatus for receiving an elongated light source (citing 254 in Fig. 8) having an elongated member including a first material (citing 256 in Fig. 8) and a second material (citing 258 in Fig. 8), the first material being at least semi-transparent (citing column 8, lines 42-43) and the second material being substantially non-transparent (citing column 8, lines 44-46 and column 7, lines 35-43), the elongated member having a cavity (citing 264 in Fig. 8) for receiving the

elongated light source (252), the cavity being at least partially defined by at least a portion of the first material (citing the cavity 264 partially defined by the first material 256) that extends from the cavity to an outer surface of the elongated member for receiving the elongated member.

With respect to claim 1, it appears that the Examiner may be ignoring some of the language of claim 1. Claim 1 recites:

1. A lighting apparatus for receiving an elongated light source, comprising:  
a monolithic elongated member including a first material and a second material, the first material being at least semi-transparent and the second material being substantially non-transparent, the elongated member having a cavity for receiving the elongated light source, the cavity being at least partially defined by at least a portion of the first material that extends from the cavity to an outer surface of the elongated member.

(Emphasis Added). To help illustrate this point, Applicant has replicated Figure 8 of Zou et al. below, with annotations added that correspond to the Examiner's remarks.



Application No. 10/074,162  
Amendment dated May 20, 2004  
Reply to Office Action dated February 23, 2004

It is unclear, but the Examiner appears to be equating the pie shaped opening generally labeled 264 in Figure 8 with the “cavity” recited in claim 1. However, the pie shaped opening 264 does not appear to be “for receiving the elongated light source”, as recited in claim 1. Instead, the light source is clearly positioned left of the pie shaped opening and in the space defined by second material 258. If the space defined by the second material 258 is considered the “cavity” of claim 1, then the cavity is not “at least partially defined by at least a portion of the first material that extends from the cavity to an outer surface of the elongated member”, as recited in claim 1.

Despite the foregoing, and for other reasons, claim 1 has been amended to include many of the limitations of claim 8, and claim 8 has been canceled without prejudice. With respect to claim 8, the Examiner states that Zou et al. disclose that the portion of the first material (citing 256 in Fig. 8) that at least partially defines the cavity (264) extends to two or more separate outer surface (citing the two end portions of 256 in Fig. 8) regions of the elongated member, wherein at least part of the outer surface between the two or more separate regions is substantially non-transparent [citing the outer surface of 256 may be non-transparent (column 8, line 42)].

Applicant must respectfully disagree. The Examiner states that the portion of the first material that at least partially defines the cavity and extends to two or more separate outer surface regions of the elongated member corresponds to the outer layer 256 in Fig. 8. Claims 1/8 define the first material as being at least semi-transparent. The Examiner then states that the at least part of the outer surface between the two or more separate regions corresponds to the same outer

Application No. 10/074,162  
Amendment dated May 20, 2004  
Reply to Office Action dated February 23, 2004

layer 256, but that the outer layer 256 may be non-transparent. This is internally inconsistent. According to Zou et al., the outer layer 256 is either transparent or non-transparent (see, for example, Zou et al., column 8, lines 41-46). There is no suggestion whatsoever to provide an outer layer 256 that includes both a transparent outer surface region and a non-transparent outer surface region, as the Examiner appears to be suggesting. Certainly Zou et al. does not disclose or suggest a cavity that is at least partially defined by at least a portion of the first material that extends from the cavity to two or more separate outer surface regions of the elongated member, wherein at least part of the outer surface between the two or more separate regions is substantially non-transparent, as recited in claim 1. In view thereof, claim 1 is believed to be clearly patentable over the cited prior art. For similar and other reasons, dependent claims 2-7, 9-12 and 24 are also believed to be clearly patentable over the cited prior art.

As indicated above, the Examiner already indicated that claim 13 was allowed. Claim 13 has been amended to replace the word "slit" with "opening". Claim 13 is still believed to be in condition for allowance. Newly presented dependent claim 31 recites that the opening is a slit. For similar and other reasons, dependent claims 14-15 are also believed to be in condition for allowance.

Turning now to claim 16. In paragraph 5 of the Office Action, the Examiner states that Zou et al. is silent with regard to a method of making an elongated member by co-extrusion. However, the Examiner states that Sugiyama suggests a lighting apparatus and its manufacturing process by using a multi-material extrusion molding machine.

Application No. 10/074,162  
Amendment dated May 20, 2004  
Reply to Office Action dated February 23, 2004

Applicant respectfully disagrees that it would have been obvious to employ the multi-material extrusion molding machine of Sugiyama in order to make the light apparatus recited in claim 16. First, and as noted above, Zou et al. does not appear to disclose an elongated member with a first material and a second material, where the first material is at least semi-transparent and the second material is substantially non-transparent, and where the elongated member has a cavity for receiving the elongated light source, and where the cavity is at least partially defined by at least a portion of the first material that extends from the cavity to an outer surface of the elongated member. In addition, Sugiyama does not appear to provide any sort of cavity, and in particular, a cavity for receiving an elongated light source. Thus, the relevance of Sugiyama is limited, at best. Also, there is no suggestion whatsoever in either Sugiyama or Zou et al. to use co-extrusion to make the structure recited in claim 16. In view of the foregoing, claim 16 is believed to be clearly patentable over Zou et al. in view of Sugiyama et al.

Despite the foregoing, and for other reasons, claim 16 has been amended to include some of the limitations of claim 22. As noted above, the Examiner already indicated that claim 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, for similar reasons that claim 22 would be allowable, claim 16 is also believed to be allowable. For similar and other reasons, dependent claims 17-21 and 23 are also believed to be clearly in condition for allowance.

As indicated above, the Examiner already indicated that claim 26 is allowed.

New Claim 27 is similar to previously presented claim 16 but further reciting that the

Application No. 10/074,162  
Amendment dated May 20, 2004  
Reply to Office Action dated February 23, 2004

cavity is at least partially defined by at least a portion of the first material that extends from the cavity to two or more separate outer surface regions of the elongated member, wherein at least part of the outer surface between the two or more separate regions is substantially non-transparent. As such, and for similar reasons given above with respect to claim 1, as well as other reasons, new claim 27 is believed to be clearly in condition for allowance.

New claim 28 is similar to previously presented claim 1, but further recites that the elongated member further defines a slot for receiving a bumper member. Nothing in Zou et al. or any other art of record appears to suggest this structure. As such, new claim 28 is believed to be clearly in condition for allowance. For similar and other reasons, newly presented dependent claims 29-30 are also believed to be in condition for allowance.

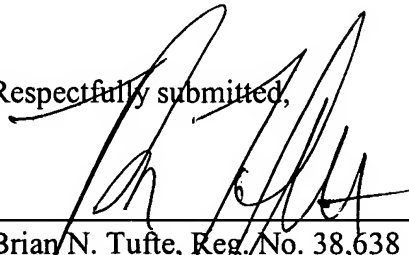
New claims 32-35 are dependent from claims 7, 13, 16 and 26, respectively, and are also believed to be clearly in condition for allowance.

In view of the foregoing, Applicant believes that all pending claims 1-7, 9-21, 23-24 and 26-35 are now in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the undersigned attorney at (612) 359-9348.

Application No. 10/074,162  
Amendment dated May 20, 2004  
Reply to Office Action dated February 23, 2004

Respectfully submitted,

Dated: May 20, 2004



---

Brian N. Tufte, Reg. No. 38,638  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2402  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349